

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

JANE DOE,  
c/o Walton + Brown, LLP.  
395 E. Broad St.  
Suite 200  
Columbus, OH 43215

Plaintiff,

v.

FRANKLIN COUNTY CORONER'S  
OFFICE,  
520 King Avenue  
Columbus, OH 43201

And

ANAHI M. ORTIZ, M.D.  
In her individual and official capacity as  
Franklin County Coroner  
520 King Avenue  
Columbus, OH 43201

Defendants.

CASE NO.

JUDGE

**COMPLAINT**

**Jury Demand Endorsed Hereon**

**I. Preliminary Statement**

1. This action seeks compensatory and punitive damages; declaratory, injunctive, and equitable relief; prejudgment and post-judgment interest; costs; and attorneys' fees for the age and disability discrimination in violation of the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Ohio Laws Against Discrimination committed by Defendants in (a) failing to accommodate Plaintiff because of its misperception that her disability prevented her from competently performing her job duties based on her record of having that disability and an isolated episode which required leave and reasonable accommodations upon her return to work; and/or (b) creating a hostile work environment for Plaintiff in light of the accommodations required by her

physician; and/or (c) failing to engage in an interactive process seeking a reasonable accommodation for mitigating the burden on Plaintiff and allowing her to continue performing her job duties.

## **II. Jurisdiction and Venue**

2. This action arises under the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, as amended, and the Ohio Laws Against Discrimination, R.C. 4112.99.

3. This Court has jurisdiction over this action by virtue of concurrent jurisdiction under the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, pursuant to a Notice of Right to Sue issued by the Equal Employment Opportunity Commission on March 9, 2017, a true copy of which is attached as Exhibit A to this Complaint, and R.C. 2305.01.

4. Venue lies in this forum because Plaintiff performed her job duties for Defendants in Franklin County, Ohio, and Defendants there terminated Plaintiff.

## **III. Parties**

5. Plaintiff Jane Doe was employed by Defendant as Assistant to the Coroner from February 2012 to February 2017; performed competently and without discipline for Defendants during her tenure; and is age 66. Plaintiff brings this action under the assumed name Jane Doe because this case involves highly confidential and sensitive medical information.

6. Defendant Franklin County Coroner's Office is a political subdivision of the state of Ohio, organized and existing under the laws of the state of Ohio, and operating and conducting business in Franklin County, Ohio. The Franklin County Coroner's Office serves a community of nearly 1.3 million people, including the city of Columbus, Ohio. The Coroner's Office investigates

all deaths by violence, criminal means, suicide, or any unattended death whatever the cause. The Coroner's Office provides identification, performs autopsies or medical examinations, and carries out any other requirements in regard to deaths which fall in the categories mentioned above. The Franklin County Coroner's Office at all times material to this Complaint daily employed 15 or more full-time employees each week and had its headquarters in Columbus, Franklin County, Ohio.

7. Defendant Anahi M. Ortiz, M.D., who is being sued in both her individual and official capacities, was appointed as Franklin County Coroner in 2014 and was re-elected to the position in November 2016.

#### **IV. Facts**

8. For the past five years Plaintiff has worked as the Assistant to the Franklin County Coroner.

9. On October 27, 2016 Plaintiff left the office for surgery and was out approximately four weeks, which was covered by FMLA and sick leave.

10. Upon returning to the office on November 29, 2016, Plaintiff was called in to Dr. Ortiz's office and given a verbal warning for "no call, no show" on November 28, 2016.

11. Plaintiff had submitted paperwork verifying her time off of work on November 28, 2016, and copies of such were available to Dr. Ortiz.

12. On November 29, 2016 Plaintiff was again called into Dr. Ortiz's office and told that she was being assigned new duties and that she would not be allowed to leave her desk for any reason except to go on breaks and lunch.

13. Plaintiff required a reasonable accommodation because she had just had gallbladder surgery and her digestive system had not yet adjusted, which in addition to her diagnosis of Diabetes required her to make frequent restroom trips.

14. Plaintiff was forced to seek a doctor's note explaining this issue before she would be allowed to take restroom breaks.

15. In addition to the unreasonable failure to accommodate, Dr. Ortiz began creating a hostile work environment for Plaintiff.

16. Dr. Ortiz began to assign Plaintiff unreasonable job duties and assignments that had never before been required and were difficult to complete.

17. Due to the extremely stressful work environment, Plaintiff suffered a stroke in the workplace on December 7, 2016.

18. Plaintiff was taken off of work and required additional time off once her FMLA hours were exhausted. Plaintiff's physician noted that she was undergoing speech therapy, occupational therapy and physical therapy to help her regain her pre-stroke condition and allow her back to work.

19. Despite Plaintiff's job being non-essential and others being granted the ability to take a leave of absence from the office, Plaintiff was informed by Dr. Ortiz that her job duties were essential to the daily operations and her job could not be held.

20. Plaintiff's employment was terminated February 17, 2017.

21. Defendants replaced Plaintiff with an employee under the age of 40.

22. Defendants replaced Plaintiff with an employee who did not suffer from any disability.

23. Defendants have engaged in a pattern of terminating the employment of individuals over the age of 40.

24. As a direct and proximate result of the hostile work environment, failure to accommodate and wrongful termination, Plaintiff has suffered physical injuries and emotional distress.

25. In creating a hostile work environment, failing to accommodate and terminating Plaintiff, Defendants acted with grossly reckless disregard toward Plaintiff's right not to be a victim of age and/or disability discrimination.

**V. Claim for Relief: Age Discrimination under the Age Discrimination in Employment Act and the Ohio Laws Against Discrimination**

26. Paragraphs 1 through 25 above are realleged and incorporated herein.

27. By creating a hostile work environment and terminating Plaintiff, Defendants violated the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.*, as amended, and the Ohio Laws Against Discrimination, R.C. 4112.99.

**VI. Claim for Relief: Disability Discrimination under the Americans with Disabilities Act and the Ohio Laws Against Discrimination**

28. Paragraphs 1 through 27 above are realleged and incorporated herein.

29. By creating a hostile work environment, terminating Plaintiff and failing to engage in an interactive process seeking a reasonable accommodation for mitigating the burden on Plaintiff, Defendant violated the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, as amended, and the Ohio Laws Against Discrimination, R.C. 4112.99.

**VII. Prayer for Relief**

WHEREFORE, Plaintiff prays that this Court:

a. declare that Defendant has violated the Age Discrimination in Employment Act, Americans with Disabilities Act and Ohio Laws Against Discrimination; and

b. order such equitable relief as will make her whole; more than \$25,000 in compensatory damages; more than \$25,000 in punitive damages; prejudgment and post-judgment interest; costs; attorneys' fees, and such other relief as the Court may deem appropriate.

Respectfully submitted,

/s/ Sean L. Walton

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*Attorneys for Plaintiff*

**JURY DEMAND**

Plaintiff requests a trial by a jury of eight (8) persons.

By: /s/ Sean L. Walton  
Sean L. Walton (0088401)

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